

tion, which implies religious sanctions lying outside the social purview, has a part in the wider conception which sees in social utility the real foundation of punishment. Now, is this foundation just? Has society a right to punish? This question leads to a detailed discussion of the problem of free-will, in which it is maintained that while freedom of the will may be necessary to the theory of moral accountability, and may therefore be a ground for the ethical justification of punishment, it is at the same time incompatible with the idea of its practical utility, inasmuch as it is impossible to conceive that punishment or reward can influence a will which *ex hypothesi* operates irrespective of motives. On the other hand, the determinist, though recognising the inevitableness of the criminal act as of any other event in nature, is not thereby logically precluded from the approval of punishment; on the contrary, he will naturally accept punishment and reward as determining motives which society deliberately introduces for the purpose of influencing conduct to conformity with its own interests. So that in brief, "society's right to punish is based upon the necessity of punishment from the viewpoint of social utility, a necessity imposed by the struggle for existence" (page 326). If we accept this doctrine of thorough-going determinism, we must obviously regard all law-breakers as socially accountable irrespective of differences in mental capacity and the like. And this is, indeed, to the logical mind a recommendation of the view which Dr. McConnell defends, for, as it makes efficacy the sole test of punishment, it requires that punitive treatment in all cases, and not merely in the case of the insane, should be adapted to the individuality of the offender, being modified in kind and degree according to the character of the criminal and the nature and extent of his anti-social tendencies. From this point of view the criminologist will find himself in full agreement with the eugenicist in regard to the treatment of the incorrigible offender and the moral idiot. Dr. McConnell has given an admirably clear and convincing presentation of the view which is coming more and more to be recognised as the only tenable position in penology.

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**Guilfrida-Ruggeri, DR. V.** *Sulla Dignità Morfologica dei Segni Detti "Degenerativi."*

IN the first part of this work the writer argues that there is a close relation between an abnormal physical condition and abnormalities of a mental or moral nature, and proceeds to show how the theory of atavism, put forward by Lombroso to account for degenerates, has given place to the pathological theory established by the arguments of Virchow, Féré, Jellgersma, Koch, Dallemagré, and others. Féré is quoted as asking: "If it is contended that imbeciles and microcephalous idiots represent from a physical point of view some one of our ancestors, will it be said also that the sterility belonging to these same classes is also the reappearance of an atavistic character?" Or, as another scientist puts it, "Can it be said that a civilised man who loses the power of speech through some disease is subject to the influence of remote ancestors who could never talk at all?"

The second part discusses in detail various physical abnormalities or "degenerative stigmata"—twenty-six in number—and part three attempts to show how far each is indicative of a particular mental or moral disorder. Statistical and other tables illustrate parts two and three, and the stigmata are dealt with on the basis of sex-distribution both in conjunction with and apart from the special disorder.

Careful and original work of this nature cannot fail to be of great value. If we may permit ourselves one small criticism, we should say that we should have preferred actual numbers in Table 1 to percentages. If, in the case of hysteria, with a total of 19 cases we were told that one case was found of facial symmetry instead of five per cent. one would be more likely to see the matter in its true proportion.

H. R.